

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
DECEMBER 12, 2018 AT 6:00 P.M.**

Members: H. Charania (Chair), D. Gunn, R. Gupta, M. Horner, R. Riddett

Staff: K. Kaiser, Zoning Officer, D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by R. Gupta and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held November 14, 2018 be adopted as amended."
CARRIED

Cordova Bay
Road
New house

Applicant: Rajbir (Ruby) Uppal
Property: 5064 Cordova Bay Road
Variance: Relaxation of height from 7.5 m to 8.35 m
Relaxation of single face height from 7.5 m to 8.42 m

BOV #00772

MOTION: Moved by R. Riddett and Seconded by R. Gupta: "That the application for variance at 5064 Cordova Bay Road be lifted from the table."
CARRIED

The Notice of Meeting was read and the applicant's letter received.

Applicants: Ruby Uppal, applicant/owner, and Natalie Saunders, designer were present in support of the application and stated:

- Since the last meeting they have checked the GIS sewer heights. The connection at the road is higher than the furthest connection on the house so the sump pump is no longer a hardship as they will have to install one regardless.
- The hardship is that they need to have natural light on the lower level of the home.
- Proof of a medical hardship has been provided.

In reply to questions, the applicant and designer stated:

- They did not decrease the ceiling heights; the main floor has 9 foot ceilings and the upstairs has 8 foot ceilings.
- They are not sure if the existing house conforms to the bylaw.
- They did not consider creating window wells as they do not give direct light.
- The family's four cars will be parked in the driveway, not on the street.

Board discussion:

- There is sympathy for the medical condition but this is a major variance request. The height will be in perpetuity and could affect neighbours.
- There are other design options.
- The question was raised about how much time the affected person will need to spend in the basement.
- The hardship has been created by the owner's design choices. This is a large variance in a sensitive seaside area.
- Basement suites are typically dark and a different design can solve this without the need for a variance.
- They would only benefit with more daylight in the summer.

Public input: Nil

MOTION: **MOVED** by R. Gupta and **Seconded** by D. Gunn: “That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 295.3(b)(i) and (ii), further to the construction of a new house on Lot 2, Section 30, Lake District, Plan 9968 (5064 Cordova Bay Road) be **DENIED**:

- a) relaxation of height from 7.5 m to 8.35 m
- b) relaxation of single face height from 7.5 m to 8.42 m.”

Board comments:

- This is a major variance and the Board is not convinced of the hardship.
- There are other design options.

The Motion was then Put and CARRIED

Major Road
Beach access
staircase

Applicant: Hui Min (Vivian) Tan
Property: 4823 Major Road
Variance: Relaxation of maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.29 m

BOV #00760

The Notice of Meeting was read and the applicant’s letter received.

Applicants:

H. Henke, designer, was present in support of the application and had nothing to add. Some Board members noted that they had difficulty accessing the site due to a construction fence.

Public input:

Residents of 4797 Timber Place:

- Property is south of the natural covenant.
- Object to the application as they understood the natural covenant means the area will stay untouched.
- Suggested the covenant shows the ability to put in a path but not stairs.
- They have stairs that they have replaced, however they are not in the natural covenant.

The Chair noted that the covenant allows the home owner access to the beach.

WITHDRAWN:

MOVED by D. Gunn, “That due to the inability for Board members to safely access the site for inspection, the application for variance at 4823 Major Road be tabled to a future meeting.”

Motion to Table was WITHDRAWN

The Zoning Officer advised that the applicant will have to communicate with and receive approvals from the Land Development (for sewage line) and Environmental Services departments further to this application.

MOTION:

MOVED by R. Riddett and **Seconded** by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 5.16(b), further to the construction of a beach access staircase on Lot A, Section 121, Lake District, Plan VIP83102 (4823 Major Road):

- a) relaxation of the maximum height for a structure within 7.5 m of the natural boundary of the ocean from 0.6 m to 2.29 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire.”

Board comments:

- When purchasing waterfront property there is an expectation to be able to get down to the water.
- The covenant says that the owners may get permission for stairs.
- Considering the allowable railing height, this is a safety issue and is common sense.
- The 42” railing will not affect neighbouring views and will mostly be hidden by the land slope.
- Saanich has constructed their own stairway with a railing so this seems reasonable.
- One member felt that accessing the waterfront is not a hardship.

**The Motion was then Put and CARRIED
With R. Gupta OPPOSED**

Vantreight Drive
Addition and
accessory
building

Applicant: Duncan Craig
Property: 4611 Vantreight Drive
Variance: Relaxation of front lot line from 15.0 m to 11.0 m

BOV #00780

The Notice of Meeting was read and the applicant’s letter received. Comments not in support received from two residences.

Applicants:

Duncan Craig, owner/occupant was present in support of the application. He stated that after hearing the neighbour’s concerns about the pergola, he will withdraw his request for the front lot line for an accessory structure. This meeting is just to ask for the addition to the house.

Public input:

Residents, 4607 Vantreight Drive:

- Do not accept the applicant’s need for a new garage and feels there is sufficient room already. Suggested the applicant can reconfigure their existing carport.

In reply to Board questions the applicant stated:

- The hardship is the need for a garage. The breezeway is full of gardening materials and they would like to have storage.
- When they built originally, they had to move forward to allow the neighbours to keep their views and were stuck by the Environmental Development Permit Area rules at the time.
- They have a modest house and need more space. If they place the garage at the end of the driveway it will affect the neighbour’s views.
- If denied they will get a permit to build a detached garage in the driveway.
- The new garage will be for a vehicle and storage.
- The covenant on the property is regarding the view of Haro Strait.

Board discussion:

- The siting of the house is a hardship though it is hard to tell if this is undue.
- Board member appreciates the applicant removing the pergola.
- The EDPA limitation was restrictive at the time. This could be a smaller ask, but it is not unreasonable.
- They may be able to figure out storage without adding to the existing garage.

MOTION: **MOVED** by R. Gupta and **Seconded** by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i) and 290.4(a)(i), further to the construction of an addition to the house and construction of an accessory structure on Lot 1, Section 85, Victoria District, Plan 2617 (4611 Vantreight Drive):

- a) relaxation of front lot line from 15.0 m to 11.0 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- This is a panhandle lot that had the EDPA limitations which made the construction area smaller.
- The applicant withdrew the request for the pergola after hearing the neighbour’s concerns.
- The private covenant is not part of the Board’s scope.
- The front yard is functionally a side yard.
- The neighbour’s home is three meters higher than this one.

The Motion was then Put and CARRIED

****** R. Gupta left the meeting at 7:30 pm ******

Lockehaven Road New house	Applicant: Adapt Design OBO Sundren Govender Property: 5095 Lockehaven Road Variance: Relaxation of height from 6.5 m to 7.94 m for a flat roof
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BOV #00778 The Notice of Meeting was read and the applicant’s letter received.

Applicants: Josh Collins, applicant, and Sundren Govender, owner, were present in support of the application. They would like to build a home on the land they purchased two years ago, and are confused why a lower height flat roof needs a variance when a higher peaked roof does not. They suggested a peaked roof would affect the neighbours more than a flat roof.

Public input: Resident, 5099 Lockehaven Road:

- The house is larger than they expected however the cedars between the houses provide screening. They cannot see where the height will be but it sounds okay.

In reply to questions the designer stated:

- The hardship is the topography; the land drops by about ten feet.
- They are as far as they can go on the front setback in order to be in the flattest area. This will minimize the environmental impact.
- The attic dormers are decorative only.
- The house is smaller than permitted.

The owner stated:

- They are discussing treatment for the outside.
- They do not want to cut the trees down so they may just do a smaller back yard with a terraced natural slope.
- They want to live in this part of town because of the natural environment.

MOTION: **MOVED** by D. Gunn and **Seconded** by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(b)(i), further to the construction of a new house on Lot A, Section 44, Victoria District, Plan 38617 (5095 Lockehaven Road):

- a) relaxation of height from 6.5 m to 7.94 m for a flat roof

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variance so permitted by this Order will expire.”

Board comments:

- There is a hardship with the lot and the topography.
- The house will not be out of place in the neighbourhood.
- They are trying to retain the trees.

The Motion was then Put and CARRIED

Adjournment On a motion from D. Gunn, the meeting was adjourned at 8:00 pm.

Haji Charania, Chair

I hereby certify that these Minutes are a true and accurate recording of the proceedings.

Recording Secretary